

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

Bky. No.10-51280  
Chapter 7 Case

Stephen John Wiczek and  
Donna Lorraine Wiczek,

Debtors.

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Terri A. Running, Trustee,

Adv. Proc. No. 11-05006

Plaintiff

v.

**ANSWER**

Stephen John Wiczek and Donna Lorraine  
Wiczek,

Defendants

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Defendants above named, as and for their Answer to Plaintiff's Complaint state and  
allege as follows:

1. Except as hereinafter admitted, qualified or otherwise answered, deny each and every allegation of Plaintiff's Complaint.
2. Defendants admit the allegations of Paragraphs 2 through 6 of Plaintiff's Complaint.
3. In response to Paragraph 7 of Plaintiff's Complaint, Defendants state that the documents speak for themselves, admit that the Schedules and Statement of Financial Affairs contained some errors, and that Defendants have directed their counsel to amend such Schedules and Statement of Affairs to correct any errors.

4. By way of further explanation and clarification of Defendants' response to Paragraph 7 of Plaintiff's Complaint, Defendants state that (i) the alleged omissions and false statements either do not exist; or (ii) the facts concerning the issue were fully discussed and disclosed at the Section 341 hearing; (iii) the facts concerning the issue have been, since the original filing, fully disclosed to the trustee, either in correspondence or 2004 exam, or by other method; (iv) the schedules have been amended; (v) such omissions and statements were not material; and (vi) no omissions or statements were done with actual intent to hinder, delay or defraud the estate.

5. In response to Paragraph 8 of Plaintiff's Complaint, Defendants state that they believe their original bankruptcy attorney was sent a request for information with which he has fully complied. These answering Defendants have no knowledge to the contrary, and any such request for additional information was never made directly to them.

6. In response to Paragraph 9 of Plaintiff's Complaint, Defendants admit the same, as so far as their opinion of the value of the shares and/or ownership interest in those entities. Defendants further admit the business has continued to be operated by one or both of the Debtors. Defendants further state that they were never instructed by the trustee, their counsel or anyone else to cease continuing operations. Debtors deny that they have consumed pre-petition assets, and to the extent they have, they were *de minimis*, and otherwise hold the Plaintiff to its strict burden of proof thereon.

7. In response to Paragraphs 10, 11, 12, 13 and 14 of Plaintiff's Complaint, Defendants deny the same.

WHEREFORE, Defendants demand judgment as follows:

1. That the Plaintiff's Complaint be dismissed, in its entirety, with prejudice.

2. That Defendants, as debtors, be granted their discharge in this case.
3. That Defendants be granted their costs and attorneys' fees, to the extent allowed by law.
4. That this Court grant such other relief as it deems equitable in the premises.

Dated: March 11, 2011

/e/ Thomas J. Flynn

Thomas J. Flynn (30570)  
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**CERTIFICATE OF SERVICE**

v.

Stephen John Wiczek and Donna Lorraine  
Wiczek,

Defendants

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Under penalty of perjury, the undersigned hereby declares that on March 11, 2011, in connection with the above-referenced adversary proceeding, the following documents:

- Answer and Affirmative Defenses

were filed by ECF and notice of filing will be sent to ECF filers that requested notice.

Dated: March 11, 2011

/e/ Thomas J. Flynn  
Thomas J. Flynn

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